

# EXHIBIT C

**From:** [David Villarreal](#)  
**To:** [Steven D. Cohen](#); [Matt Matthews](#)  
**Cc:** [Steven Wittels](#); [Ethan Roman](#); [James Chambers](#)  
**Subject:** Re: Mirkin v. XOOM  
**Date:** Tuesday, December 6, 2022 6:25:42 PM  
**Attachments:** [image001.png](#)

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Counsel,

The following link contains XOOM's supplemental production, XOOM\_MIRKIN\_74169-70, which is designated Confidential under the Protective Order and includes the data for New York customers who originally enrolled on a fixed-rate plan and later rolled to variable on or after February 11, 2016: <https://mcdowellhetherington.sharefile.com/d-sb236853f379b4de7bdfda3fd0e6f6b60>.

Please let me know if you have any issues accessing the data.

Thanks,

David

**David L. Villarreal**  
Associate  
[McDowell Hetherington LLP](#)  
P: 713-221-3725 F: 713-337-8850

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**From:** Steven D. Cohen <[sdcc@wittelslaw.com](mailto:sdcc@wittelslaw.com)>  
**Date:** Tuesday, December 6, 2022 at 10:07 AM  
**To:** Matt Matthews <[matt.matthews@mhllp.com](mailto:matt.matthews@mhllp.com)>  
**Cc:** Steven Wittels <[slw@wittelslaw.com](mailto:slw@wittelslaw.com)>, Ethan Roman <[edr@wittelslaw.com](mailto:edr@wittelslaw.com)>, James Chambers <[james.chambers@mhllp.com](mailto:james.chambers@mhllp.com)>, David Villarreal <[david.villarreal@mhllp.com](mailto:david.villarreal@mhllp.com)>  
**Subject:** FW: Mirkin v. XOOM

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Matt:

I am following up regarding the data we requested for New York fixed rate customers who were moved to variable rate plans on and after February 11, 2016 who were told that their variable rate plans would be based on XOOM's actual and estimated supply costs. Before going out on leave, Diane acknowledged that we had not received that data and that you would follow up with your client. Please confirm that you will produce that additional class member data to us now.

Thank you,

**Steven D. Cohen**

WMP | Senior Counsel  
18 Half Mile Road | Armonk, NY 10504  
Phone: [914-775-8862](tel:914-775-8862) ext. 109 | Fax: [914 273 2563](tel:914-273-2563)



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**From:** Diane Wizig <[diane.wizig@mhllp.com](mailto:diane.wizig@mhllp.com)>  
**Sent:** Thursday, November 3, 2022 4:08 PM  
**To:** Steven D. Cohen <[sdcc@wittelslaw.com](mailto:sdcc@wittelslaw.com)>  
**Cc:** Matt Matthews <[matt.matthews@mhllp.com](mailto:matt.matthews@mhllp.com)>; Steven Wittels <[slw@wittelslaw.com](mailto:slw@wittelslaw.com)>; Burkett McInturff <[jbm@wittelslaw.com](mailto:jbm@wittelslaw.com)>; Ethan Roman <[edr@wittelslaw.com](mailto:edr@wittelslaw.com)>; Emily Felix <[emily.felix@mhllp.com](mailto:emily.felix@mhllp.com)>  
**Subject:** Re: Mirkin v. XOOM

Steve, we see what you are saying about the latest late in that column. We will reach out to our client and let you know what we learn.

**Diane S. Wizig**

Partner  
McDowell Hetherington LLP  
P: 713-333-5889 F: 713-337-8850

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**From:** Steven D. Cohen <[sdcc@wittelslaw.com](mailto:sdcc@wittelslaw.com)>  
**Date:** Wednesday, November 2, 2022 at 1:13 PM  
**To:** Diane Wizig <[diane.wizig@mhllp.com](mailto:diane.wizig@mhllp.com)>  
**Cc:** Matt Matthews <[matt.matthews@mhllp.com](mailto:matt.matthews@mhllp.com)>, Steven Wittels <[slw@wittelslaw.com](mailto:slw@wittelslaw.com)>, Burkett McInturff <[jbm@wittelslaw.com](mailto:jbm@wittelslaw.com)>, Ethan Roman <[edr@wittelslaw.com](mailto:edr@wittelslaw.com)>, Emily Felix <[emily.felix@mhllp.com](mailto:emily.felix@mhllp.com)>

**Subject:** RE: Mirkin v. XOOM

Diane:

We disagree based on our review of the data. For both XOOM\_MIRKIN\_073185 and 73186, on the "Res Fixed to Variable" tab, the latest "Date begin charging variable rate" shown is in February 2016, so it does not appear we received any data from you for XOOM fixed rate customers who were rolled to variable plans after February 2016.

Please review the data and confirm. If you agree with us after your review, please send us a data supplement as soon as possible. If it would be helpful to have a call to discuss this, please let us know when you are available in the coming days.

Thank you,

**Steven D. Cohen**

WMP | Senior Counsel  
18 Half Mile Road | Armonk, NY 10504  
Phone: [914-775-8862](tel:914-775-8862) ext. 109 | Fax: [914 273 2563](tel:914-273-2563)



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**From:** Diane Wizig <[diane.wizig@mhllp.com](mailto:diane.wizig@mhllp.com)>

**Sent:** Tuesday, November 1, 2022 6:18 PM

**To:** Steven D. Cohen <[sdcc@wittelslaw.com](mailto:sdcc@wittelslaw.com)>; Matt Matthews <[matt.matthews@mhllp.com](mailto:matt.matthews@mhllp.com)>

**Cc:** Steven Wittels <[slw@wittelslaw.com](mailto:slw@wittelslaw.com)>; Burkett McInturff <[jbm@wittelslaw.com](mailto:jbm@wittelslaw.com)>; Ethan Roman <[edr@wittelslaw.com](mailto:edr@wittelslaw.com)>; Emily Felix <[emily.felix@mhllp.com](mailto:emily.felix@mhllp.com)>

**Subject:** Re: Mirkin v. XOOM

Steve,

XOOM did not withhold any data relating to New York customers who originally enrolled on fixed-rate plans and later rolled to variable rates. The data produced on April 8 included all New York customers who originally enrolled on a XOOM fixed rate contract and then automatically renewed to a variable rate on or before January 1, 2020, regardless of contract form.

Diane

**Diane S. Wizig**

Partner

McDowell Hetherington LLP

P: 713-333-5889 F: 713-337-8850

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**From:** Steven D. Cohen <[sdcc@wittelslaw.com](mailto:sdcc@wittelslaw.com)>

**Date:** Tuesday, November 1, 2022 at 3:09 PM

**To:** Diane Wizig <[diane.wizig@mhllp.com](mailto:diane.wizig@mhllp.com)>, Matt Matthews <[matt.matthews@mhllp.com](mailto:matt.matthews@mhllp.com)>

**Cc:** Steven Wittels <[slw@wittelslaw.com](mailto:slw@wittelslaw.com)>, Burkett McInturff <[jbm@wittelslaw.com](mailto:jbm@wittelslaw.com)>, Ethan Roman <[edr@wittelslaw.com](mailto:edr@wittelslaw.com)>

**Subject:** Mirkin v. XOOM

Diane and Matt:

In our opening expert report on page 3 footnote 7, our experts said the following:

“The proposed Class also includes customers who switched from a XOOM fixed rate plan to a XOOM variable rate plan after February 2016 but were provided the same pricing terms that were included in the pre-February 11, 2016 SAs. That group of customers was not included in the data provided by XOOM.”

Will XOOM now agree to provide the data for that group of customers? If you will not so agree, please let us know when in the coming days the parties can meet-and-confer on this issue.

Thank you,

**Steven D. Cohen**

WMP | Senior Counsel

18 Half Mile Road | Armonk, NY 10504

Phone: [914-775-8862](tel:914-775-8862) ext. 109 | Fax: [914 273 2563](tel:914-273-2563)

**Wittels  
McInturff  
Palikovic**

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